

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 327 – SB 859**

May 20, 2009

**SUMMARY OF AMENDMENTS (006013, 008760):** Deletes all language after the enacting clause and redefines “foster care” and “foster parent” so that the definitions are consistent with the provisions regarding adoption and juvenile court proceedings within Tennessee Code Annotated. Redefines “licensed clinical social worker” by requiring that the individual only be licensed by the Department of Children’s Services to provide adoption placement services and not foster care placement services. Reduces, from 18 months to six months, the continuous amount of time in which a child has been in the care and control of an agency or unrelated person prior to the child being considered dependent and neglected. Establishes that a child who has willfully and intentionally been left in the sole financial care and sole physical custody of a related caregiver for a consecutive 18-month period is considered dependent and neglected if the child will endure substantial harm if removed from the relative, except when the child is left with the relative due to the parent’s military service. Requires the court to order a child found to be dependent and neglected pursuant to being left in the care of a relative for a consecutive 18-month period to remain in the related caregiver’s custody if such an arrangement is in the best interest of the child. Any modification or termination of the related caregiver’s custody brought by the child’s parent shall be based on a finding, by a preponderance of the evidence, that there has been a substantial change in material circumstances.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Increase State Revenue - Not Significant**  
**Increase State Expenditures – Not Significant**

**Increase Local Revenue – Not Significant**  
**Increase Local Expenditures – Not Significant**

**HB 327 – SB 859**

Assumptions applied to amendments:

- According to the Department of Children's Services (DCS), the revisions to the definitions of foster care and foster parents will not have a significant impact on the operations of the Department.
- According to DCS, reducing the amount of time in which a child can be determined as dependent and neglected will have no fiscal impact on the operations of the Department.
- Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/kml